UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/652,065
Filing Date: August 31, 2000
Appellant(s): CORBIN ET AL.

William A. Kinnaman, Jr.
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/03/05.

(1)   ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2)   ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.

(4)   ***Status of Amendments***

The appellant's statement of the status of amendments contained in the brief is

correct.

(5)   ***Summary of Claimed Subject Matter***

The summary of claimed subject matter contained in the brief is correct.

(6)   ***Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection is correct.

(7)   ***Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8)   ***Evidence Relied Upon***

The following is a listing of the evidence (e.g., patents, publications, Official

Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

http://www.webreference.com/js/column24/, "Persistence", created

08/28/98, pp. 1-39, (Hereafter "WebReference")

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by http://www.webreference.com/js/column24/ "Persistence", created 08/28/98, pages 1-39. (Hereafter stated as WebReference).

·In regard to independent claims 1, 6, and 9, WebReference teaches a client application (Internet Explorer 5.0 Browser)(Page 1) that displays a form hypertext document where a user can enter user data into the form and where said client application can locally save displayed documents (Pages 16-17: Hard Disk Persistence, http://www.webreference.com/js/column24/snapshot.html). WebReference also teach a method for providing local data persistence for the client application wherein the client application receives user data from the user (form data), receives a save command from the user to save the user data (Page 16: 2nd Paragraph), and in response to the save command creating a new hypertext document (saved file with persistent variables) containing the user data and displaying a message prompting the user to save the new document using said function for locally saving documents (Page 16-17: Hard Disk Persistence, http://www.webreference.com/js/column24/snapshot.html & Page 19: 1st Paragraph, User Data Persistence,

http://www.webreference.com/js/column24/userdata.html). WebReference further teach

wherein said new hypertext document contained a script function (Page 17):

```
"<SCRIPT CLASS="saveSnapshot" ID="persistentScript">
  var persistentVariable;
</SCRIPT>"
```

that becomes activated when said new hypertext document was loaded (clicking the

"load" button) to perform a desired restoration function (refresh the form entry with

persistent variables)(Page 17: 2nd Paragraph).

-In regard to dependent claim 2, WebReference teaches wherein the Internet

Explorer 5.0 browser (client application)(Page 1) receives said first HTML file (hypertext

document) from a server (Page 16: 1st & 2nd Paragraphs: Hard Disk Persistence,

http://www.webreference.com/js/column24/snapshot.html).

-In regard to dependent claim 3, WebReference teaches wherein said

hypertext documents are HTML documents (Page 16: Hard Disk Persistence, 1st and

2nd Paragraphs http://www.webreference.com/js/column24/snapshot.html).

-In regard to dependent claims 4, 7, and 10, WebReference teaches wherein

said message is created as a part of said new hypertext document (Page 16: Hard Disk

Persistence, 2nd Paragraph http://www.webreference.com/js/column24/snapshot.html).

-In regard to dependent claims 5, 8, and 11, WebReference teaches receiving

a restore (load) command from the user (Page 17: Hard Disk Persistence, Last Two

Paragraphs http://www.webreference.com/js/column24/snapshot.html) to restore the

previously saved data and in response to receiving the command repopulating the

document with said previously saved data.

-In regard to dependent claims 12, 14, and 16, WebReference teaches

wherein said script function was a JavaScript function (JavaScript feature)(Page 1: 2nd

Paragraph).

-In regard to dependent claims 13, 15, and 17, WebReference teaches

wherein said script function becomes activated when loaded (clicking the "load" button)

to repopulate (refresh) the first hypertext document (form entry) with said user data

(persistent variables)(Page 17: 2nd Paragraph).

(10) Response to Argument

Applicant's arguments filed 02/03/05 have been fully considered but they are not

persuasive.

Regarding the arguments on pages 4-7, regarding independent claims 1, 6, and

9 with respect to the WebReference, the examiner feels that applied reference is proper

under 35 U.S.C. 102(b). The applicant argues that only a single document was involved

in WebReference rather than dynamically generating a new document containing user

data and displaying a save prompt. The examiner respectfully disagrees with the

Applicant and believes WebReference does indeed teach these limitations.

WebReference teaches a client application (i.e. a user browser such as Internet

Explorer 5.0)(WebReference: Page 1) that displays a form hypertext document ("Enter a

text you want to be persisted:") where a user can enter form data into the form

("targeted towards the persistence of form data")(WebReference: Pages 16-17) and

wherein the client application can locally save the displayed document ("try to save this

form to your hard disk. Select the Save As option..."). WebReference also teach

receiving user data from a user ("Enter the text you want to be persisted:", "Enter

another text you want to be persisted:", etc)(WebReference: Pages 16-17), receiving a

save command to save the user entered data ("try to save this form to your hard disk.

Select the Save As option...", "When the user saves the file onto his or her hard disk",

etc) (WebReference: Pages 16-17), and in response to receiving a save command

dynamically creating a new hypertext document (i.e. the locally saved file utilizing the

"Save As" functionality or by another way such as the "Save Button", which maintains

the persistent variables) containing the user data and displaying a message prompting

the user to save the new document using said functionality for locally saving documents

(WebReference: Pages 16-17). The examiner asserts that the saved document with

user entered form data was indeed a newly dynamically created document in that it

maintained new user entered values persisted in the document that the original form

document did not maintain. The examiner notes that wherein a new "Save As" file

name could have been utilized as suggest by Applicant (Arguments: Page 7: Lines 3-5)

the file would also be construed as a new hypertext document based on different

naming attributes. Wherein WebReference teaches displaying a message prompting

the user to save the new document for locally saving documents, the Examiner believes

this functionality to be identical to the functionality used to save the first hypertext

document utilizing the "Save As" option from the file menu which was an inherent

available prompt of Internet Explorer 5.0 (WebReference: Page 16).

Regarding the arguments on pages 7-8, regarding dependent claims 13, 15, and 17 with respect to the WebReference, the Applicant argues that WebReference does not teach that the script function contained in the new hypertext document becomes active when loaded to repopulate the first hypertext document with said user data. The Examiner notes that as claimed the script function was not a repopulation function but was only loaded to repopulate. The script function as described in WebReference persists only persistent variables entered by the user and when the user saves the file on their hard disk the script was utilized to save the persistent variables (i.e. saved in the new hypertext document). If the script with entered persistent variables were not saved in the new hypertext document then they would not be persistent. WebReference also teaches that the script function becomes active when loading the form ("clicking the load button") by allowing to refresh the first hypertext document with the persistent variables which were stored via the script (WebReference: Page 17). Since the script function of WebReference was part of the of the "loading" process of persistent variables it therefore has an active effect on repopulating the first hypertext document.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ALB
April 17, 2005

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SUPERVISORY PATENT EXAMINER

Conferees
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